



INTERNATIONAL PRACTICE. PERSONAL COMMITMENT.

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February 20, 2019

BY CM/ECF

Hon. Lorna G. Schofield
United States District Judge
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007-1312

**Re: United States ex rel. Michael I. Levine, M.D. v.
Vascular Access Centers, L.P., et al.
No. 12 Civ. 5103 (LGS)**

Dear Judge Schofield:

We write, pursuant to this Court's Order issued February 20, 2019 [ECF 90], to update the Court as to the status of this matter.

On January 7, 2019, Plaintiff sent a Rule 4 Notice of a Lawsuit and Request to Waive Service of Summons to each defendant by U.S. Mail, certified, return receipt: five were returned as undeliverable for various reasons; nine were delivered; and two are noted as 'in transit' on the USPS tracking site

Of those defendants who were served, seven have responded with signed Waivers of Service: Beth Israel Medical Center; Edward Y. Skolnick, M.D.; New York University School of Medicine; Langone Medical Center; American Access Care, LLC; Fresenius Medical Care Holdings, Inc.; and Gregg Miller, M.D.

On February 13, 2019, Plaintiff dismissed Defendant Allen Wiesenfeld, M.D. [ECF 89]. The United States has confirmed to us that it does not oppose this dismissal.

Pursuant to your Honor's Individual Rules and Procedures (B.2, Requests for Adjournments and Extensions of Time), to request that the Court adjourn the February 26, 2019 pretrial conference [Order, ECF 67]:

(1) The original due date, the date sought to be extended and the new date the party now seeks: As set out above, not all defendants have responded to the request to waive service, and five have not yet been served with the request. Dr. Levine therefore respectfully requests that the Court adjourn the pretrial conference for thirty days to allow time for service of the summons on the non-responding defendants and for their answer / response.

Hon. Lorna G. Schofield

February 20, 2019

Page Two

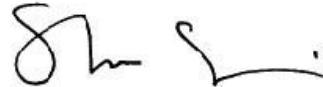
(2) **The number of previous requests for adjournment or extension of time:** One.

(3) **Whether these previous requests were granted or denied:** The previous request was granted on January 2, 2019 [ECF 67].

(4) **Whether the adversary consents, and if not, the reasons given by the adversary for refusing to consent:** The majority of the defendants have not received the summons and complaint, and seven have waived service but not yet appeared, so there are no adversaries, appearing by counsel or pro se, to consent or refuse consent.

Thank you for considering this request.

Respectfully Submitted,



J. Stephen Simms